

APPEAL NO. 210431  
FILED MAY 26, 2021

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 9, 2021, with the record closing on March 4, 2021, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), does not extend to urinary incontinence, fecal incontinence, depression, or anxiety; (2) the appellant's (claimant) impairment rating (IR) is 10%; and (3) (Dr. K) was not appointed as the designated doctor in accordance with Section 408.0041 and 28 TEX. ADMIN. CODE § 127.5 (Rule 127.5). The claimant appealed, disputing the ALJ's determinations on IR, appointment of Dr. K as the designated doctor, and that portion of the ALJ's determination that the compensable injury of (date of injury), does not extend to urinary incontinence, depression, or anxiety. The appeal file does not contain a response from the respondent (carrier) to the claimant's appeal. That portion of the ALJ's determination that the (date of injury), compensable injury does not extend to fecal incontinence was not appealed and has become final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury); the compensable injury of (date of injury), extends to a lumbar sprain, lumbar radiculopathy, lumbar radiculitis, lumbar contusion, lumbar spinal stenosis, aggravation of lumbar spinal stenosis, L1-2 3mm posterocentral disc herniation indenting the ventral thecal sac, L2-3 3mm posterocentral disc herniation indenting the ventral thecal sac, L3-4 6mm posterocentral disc herniation indenting the ventral thecal sac with severe foraminal stenosis and severe central spinal stenosis, L4-5 6mm posterocentral disc herniation indenting the ventral thecal sac with severe foraminal stenosis and severe impingement of exiting nerves, severe central spinal stenosis, L5-S1 6mm posterocentral disc herniation indenting the ventral thecal sac with severe bilateral foraminal stenosis and impingement of traversing and exiting nerve roots, and moderate central spinal stenosis; the compensable injury of (date of injury), does not extend to fecal incontinence; and the claimant reached MMI on August 1, 2019. The evidence reflects that the claimant was injured on (date of injury), when a piece of machinery weighing approximately 170 pounds fell on top of him.

The ALJ's decision and order states that the following exhibits were admitted into evidence: ALJ's Exhibit 1; claimant's Exhibits 1 through 22, and carrier's Exhibits A through O. The claimant's exhibit list states that claimant's Exhibit 3 contains 17 pages;

however, the case file provided to us for review contains pages 1 through 16. Additionally, the claimant's exhibit list states that claimant's Exhibit 11 contains 13 pages; however, the case file contains pages 1 through 12. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibits. See Appeals Panel Decision (APD) 210136, decided March 26, 2021.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the ALJ, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **FARMINGTON CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge